

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

Oklahoma Turnpike Authority,)
)
Plaintiff)
)
v.)
)
(1) 3.62 acres of land, more or less, situated in)
Tulsa County, Oklahoma;(2) Estate of Raymond A.)
Hayes (deceased) (3) Spouse of Raymond A.)
Hayes, if any; (4) Mikael Hayes, a single man;)
(5) Sharon Koetter; a married woman; (6) Jimmie)
Koetter, husband of Sharon Koetter; (7) Hayes)
2016 Irrevocable Trust - Sharon J. Koetter,)
Trustee; (8) Iola Osborne, or her unknown heirs or)
successors if deceased; (9) Estate of Wanda Bush)
(deceased); (10) L'Dena McMullen; (11) John Doe)
McMullen, spouse of L'Dena McMullen, if any;)
(12) United States Department of Interior, Bureau)
of Indian Affairs as Trustee on behalf of Alottee)
Gracie Postoak, Full Blood Creek, Roll No. 2327;)
(13) Occupants of 3.62 acres of land located in the)
3300 Block of South 57th West Avenue, Tulsa,)
Oklahoma; (14) Tulsa County Treasurer;)
(15) Tulsa County Board of Commissioners)
)
Defendants)

Case No. 19-cv-00607-JED-JFJ

COMPLAINT

The Plaintiff, Oklahoma Turnpike Authority (the "Plaintiff"), for its cause of action against the Defendants alleges and states as follows:

1. This action is instituted in the name of the Oklahoma Turnpike Authority, as authorized by and in accordance with 25 U.S.C. §357 and 69 Okla. Stat. § 1701 et. seq.

2. For the purpose of establishing, constructing and maintaining the Gilcrease Turnpike Project in Tulsa County, Oklahoma, it is necessary for the Plaintiff to acquire an interest in the property hereinafter described on Exhibit "A", attached hereto and made a part hereof (the

"Property"), excluding mineral interests and including the right to use and remove any and all roadbuilding materials. The acquisition shall be in fee simple, unless specified otherwise in Exhibit "A" in which case the quality of title or interest to be acquired shall be as stated therein. The Property is to be acquired for the construction and/or maintenance of the Turnpike System or facilities necessary and incidental thereto.

3. The Property is situated in Tulsa County, Oklahoma. The above named Defendants own, claim or might claim some interest in the Property.

4. Plaintiff further states and represents that it has made reasonable effort to secure by purchase the Property, from the said Defendants, except in instances where there are nonresident owners, unknown heirs, imperfect titles and owners whose whereabouts cannot be ascertained with reasonable diligence, and where title issues and legal restrictions make it unable to secure the property by purchase.

5. A public necessity exists for the acquisition of the property, and the Oklahoma Turnpike Authority has adopted a Resolution of Necessity to acquire the Property. A copy of the Resolution of Necessity is attached as Exhibit "B."

6. Plaintiff further states that it is necessary to acquire said title or interest and equivalent rights, title or interest in and to the light, airspace, access and view above said property and abutters rights, if any, including, without limitation, any rights of access, light, air, or view, to or from the property described above and the remaining portion of larger parcel of property including the Property onto the turnpike project and limited access facility, including limited access highways, expressways, arterial highways, frontage roads, public roads and the auxiliary service highways to be constructed now or in the future on the property being acquired in order to

accomplish the public purpose of constructing and/or maintaining turnpike projects and related facilities. Acquisition of this property by Plaintiff excludes mineral interests. Said mineral interests may only be explored as provided by law and in a manner not inconsistent with the use of the Property, the turnpike system and other purposes incidental thereto.

WHEREFORE, premises considered, Plaintiff prays that the Court appoint three disinterested freeholders of Tulsa County as Commissioners. They should be selected by the Judge of the United States District Court, as prescribed by law, and should not be interested in any like question. The Commissioners should be instructed to inspect the Property and to consider and determine the just compensation to which the said Defendants as owners thereof, or those who profess an interest therein, are entitled by reason of the taking of the Property. The Report of Commissioners should be filed with the Court Clerk. Notice as prescribed by statute should be served by the Court Clerk upon all parties. Upon deposit with the Court Clerk of the amount stated in the Report of Commissioners, Plaintiff is authorized to enter upon and take the Property for its use as described. The final determination of all rights and issues of the parties should be made in the manner as prescribed by law.

HOLLOWAY•MONAGHAN•KING

s/ W. Brant Warrick

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that on the 12 day of November, 2019, in addition to the other parties listed above, a copy of the foregoing Complaint was mailed, certified mail, return receipt requested, to the following:

David Bernhardt- Secretary
Department of the Interior
1849 C Street, N.W.
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Tara Katuk Mac Lean Sweeney
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s/ W. Brant Warrick
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